



AF/IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mingchih M. Tseng et al. Art Unit : 1614
Serial No. : 10/663,352 Examiner : Frederick Krass
Filed : September 15, 2003 Conf. No. : 1599
Title : COLOR CHANGING MATRIX AS WEAR INDICATOR

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Applicants are filing this reply in response to the Examiner's Answer mailed on April 19, 2006.

As the Examiner recognizes, this appeal turns on the interpretation of the terms "layer" and "matrix" in the claim 45. Applicant explained in their Brief on Appeal that "layer" is defined in the specification as a section of the matrix having a particular composition, and that "mixture" means that components of a layer are mixed together. See pages 8 and 9 of the Brief on Appeal.

Applicants want to address two things raised by the Examiner in the Examiner's Answer concerning "layer". First, on page 7 of the Answer the Examiner says: "The specification states at p. 4, lines 11-13 that the matrix is a flat template, i.e., one single overall layer." Applicants want to point out that "i.e., one single overall layer" is a characterization made by the Examiner in an effort to find support for an interpretation of "layer" as encompassing multiple sections -- the Examiner refers to them as "sublayers" -- of the matrix. Nowhere in the specification do applicants characterize a matrix or a template having multiple layers (or sublayers, as the Examiner calls them) as a "layer".

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Second, the Examiner states that the following sentences in the specification is not a definition of "layer" but rather a "description" of a two-layer embodiment (page 4, lines 27-30, of the specification):

In other preferred embodiments, the matrix includes two layers, joined together.
By "two layers", it is meant that one section of the template has a different composition than a second section.

But the Examiner's position does not make sense. The second sentence begins with "By two layers, it is meant". This is a common way to define terms, and it the Examiner is incorrect to ignore it.

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Respectfully submitted,

Date: June 19, 2006

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